

FILED
10-05-2018
Clerk of Circuit Court
Dodge County, WI.
2015CF000256

STATE OF WISCONSIN

CIRCUIT COURT

DODGE COUNTY

STATE OF WISCONSIN,

Plaintiff

vs

Case No. 2015-CF-256

Jared Spencer,

Defendant

APPENDIX WITH EXHIBITS IN SUPPORT OF POST-CONVICTION MOTION

The defendant, Jared Spencer, submits the following exhibits in support of his post-conviction motion for relief:

Medication Verification Form	01
Affidavit of attorney Cole Ruby	02
Jail grievances re: medications issues	04
Emails re: medications issues	23
Medication Administration Record	30

Respectfully submitted: October 5, 2018.



Cole Daniel Ruby
State Bar No. 1064819
144 4th Avenue, Suite 2
Baraboo, WI 53913
Telephone: (608) 355-2000
Fax: (608) 355-2009



MEDICATION VERIFICATION FORM – PATIENTS WITH MEDICATION

SPENCER, JAMES		7-10-11	1	903433
Dr. Stirling D. Spencer Ltd				
AMPHIPHILIC				
QES1				

To be completed by health care staff or, if, unavailable, security staff.

[illegible]

Ken Firth is 2/24/15

Physician signature concurring with telephone orders

Date

STATE OF WISCONSIN

CIRCUIT COURT

DODGE COUNTY

STATE OF WISCONSIN,

Plaintiff

vs

Case No. 2015-CF-256

Jared Spencer,

Defendant

AFFIDAVIT OF ATTORNEY COLE RUBY

STATE OF WISCONSIN

)

) ss.

DANE COUNTY

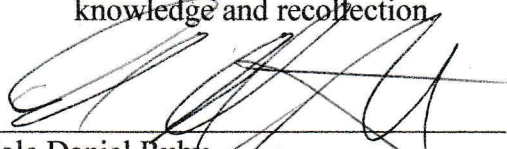
)

Cole Daniel Ruby, being first duly sworn, states as follows upon information and belief:

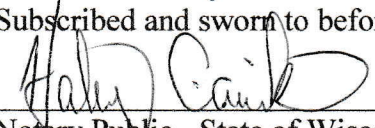
1. I am the attorney representing the defendant in the above-titled matter. I have discussed this case multiple times with the defendant. If called to testify, I believe the defendant would state as follows:
 - When first confined at Dodge County Jail, Jared was prescribed both an antidepressant, fluoxetine (aka Prozac), and lithium carbonate, a medication meant to treat bipolar disorder, both of which must be taken with food in order to absorb properly into his system and also in order to avoid acid reflux and nausea.
 - The jail nursing staff often refused to provide Jared's medications as prescribed. Nurses often gave Jared his medications over an hour before he was given his food. If Jared requested that the nurse come back after meal pass to give him his medications, the nurses instead marked him down as having refused his medications. The nurses refused to return with the medications after he had his food. Jared never outright "refused" his medications during any of these incidents—he was merely trying to get his medications as prescribed.
 - On other occasions, nurses wouldn't provide Jared's medications either because they couldn't locate the right dosage, or because his medication order had been cancelled improperly. In another incident, jail staff provided his lithium carbonate at double the correct dosage, which can be lethal.
 - These problems with jail staff often led Jared to submit grievances demanding that he be given his medications as prescribed. However, jail administration usually sided with the nurses against Jared.

- Although he didn't realize it at the time, the dosage of medications Jared received during his initial stay at Dodge County Jail was ineffective. However, Dodge didn't have a psychiatrist, just a social worker, who couldn't adjust his medication levels. His levels were only adjusted correctly during his stay at Mendota.
- During the late winter/early spring, jail staff would not give Jared his medications without him completing a blood draw. Even after Jared agreed to the blood draw, several weeks passed where jail staff still would not provide Jared's medications. Jared became increasingly paranoid, and ultimately was found to be not competent and transferred to Mendota.
- While at Mendota, Jared was seeing psychiatrists regularly, and they adjusted his medication as needed. Significantly, Mendota also gave his medication at the correct times, in the correct dosage, with food as prescribed. Once he started getting his medications correctly, Jared's behavior normalized. He was never sent to segregation at Mendota.
- Once he returned to Dodge, the jail staff provided his Lithium and Prozac correctly. However, there were numerous difficulties in receiving Seroquel, an antipsychotic prescribed by Mendota staff, at the correct time. Seroquel causes extreme drowsiness, and was therefore prescribed to be taken only at bedtime.
- Dodge nurses occasionally attempted to give Jared his Seroquel during the second medications pass after dinner. Jared would tell the jail staff he couldn't take Seroquel during the after-dinner meds pass, because it would make him extremely tired, falling asleep prior to head count at 9:30 pm. If he didn't stand for head count, he'd be marked down for a rules violation. Jail staff told him either he could take the Seroquel when given, or he wouldn't get it at all, and they'd mark him as refusing. When Jared didn't get the Seroquel, he had difficulty sleeping, and lack of sleep exacerbated all of his problems.
- Jared requested the jail staff to provide his Seroquel during the third medications pass around 9 pm, which was when nurses gave medications to inmates with diabetes and one who needed a nebulizer. The jail staff consistently refused, again saying he had to take it during the second (after-dinner) pass or not at all. Jared submitted grievances about this, and administration told him the same thing.

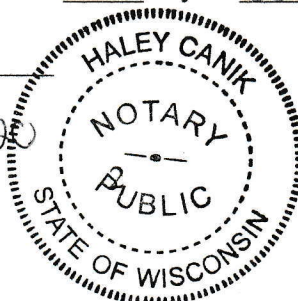
2. All of the information stated above is true and correct to the best of my knowledge and recollection.


Cole Daniel Ruby

Subscribed and sworn to before me this 5 day of October, 2018.


Notary Public - State of Wisconsin

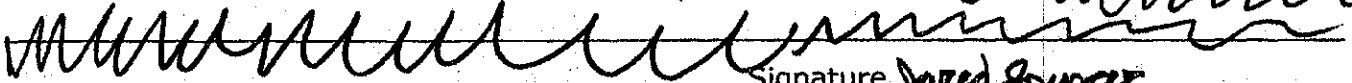
My Commission expires: 08/31/2020



Inmate Grievance FormType of grievance (circle one): Original AppealName: Jared Spencer JID #: 283433 Date: 8-12-15 Housing B2

The circumstance or action believed to be unjust:

Yesterday, Nurse Terry came to pod B section 2 at approximately 5:00pm to deliver medication. I told nurse Terry I could not take my medication on an empty stomach and asked that she please return after dinner at the normal time. She stated that I have to take them now and I informed her that I often vomit when taking this medication on an empty stomach and that she needed to come back after dinner. She refused and closed the trap. After dinner I got on the intercom and asked when I could receive my medication. CO Horned-749 informed me that I had refused my medication and would not be receiving it tonight. I told her that I need my medication to function properly, over the course of 3 different intercom transmissions as she kept cutting the line off. I am writing this grievance at approximately 8:50am the next day and have yet to receive any of my medication. I requested my medication numerous times over the night and everyone refused me. This is a grave violation of my rights and I am appalled you have staff that consider withholding prescription medication to an inmate as acceptable behavior. Please note that dinner did not arrive until approximately 6:00pm last night.


Signature Jared Spencer**DO NOT WRITE BELOW**Supervisor receiving grievance: J. Polster 728 Date: 08/12/15Supervisor/DJA/Jail Administrator responding: Quynh Date: 8/16/15Grievance Response: He spoke to the nurse regarding this

Situation. On this date as well as from your other grievance for 8/15 the meal trays were on your pod & would be served within a few minutes. Trays for dinner have never been served at 6pm - they are served around 5:10p - 5:20p based on the order in which they are delivered. Medical has hundreds of medications to deliver for over 300 inmates. They cannot come whenever people want all the time. They need to stick to their med pass schedule or it would never get completed. In your situation, the nurse was following her

Control Number: 2343008/125/155

DCDF1104/2

White: Inmate File/Yellow: Inmate/Pink: Inmate keep at time of writing

State guidelines of time for delivering your meds. No grievance.

Inmate Grievance FormType of grievance (circle one): Original AppealName: Jared Spencer JID#: 283433 Date: 8/15/15 Housing B2

The circumstance or action believed to be unjust:

Nurse Terry came to pod B section 2 at approximately 7:50am with medication. Note that we still had cleaning supplies and breakfast had not been served. I informed the nurse that I could not take my meds on an empty stomach and requested that she return after breakfast. She told me that I "know how it goes" and that she would not come back. I told her this was not ok because from previous experience I vomit when taking meds on an empty stomach. Furthermore, issuing meds at an improper time render it less effective and is not appropriate. I asked if she was denying me my medication. She told me the conversation was over and shut the trap in my face. When breakfast was served and finished I requested my meds over the intercom. I was told nothing could be done as the nurse had left the pod. It is now 12:00pm and I have yet to receive my meds. Nurse Terry is the only one I have this issue with. Her attitude and behavior is completely unprofessional, and her actions put my health at risk.

Signature Jared Spencer**DO NOT WRITE BELOW**Supervisor receiving grievance: Pieper 725Date: 8/16/15Supervisor/DJA/Jail Administrator responding: [Signature]Date: 08-16-15

Grievance Response: _____

Duplicate grievance regarding same issue. See
Grievance # 234300812151155

Control Number: 249840815151207

Inmate Grievance FormType of grievance (circle one): Original AppealName: Jared Spencer JID #: 283433 Date: 8-17-15 Housing 222A

The circumstance or action believed to be unjust:

I am appealing the decision of CO Laughlin 729. She states that "dinner [has] never been served at 6pm" despite the fact that she was not present on that day. Dinner was in fact served well passed the 5:10-5:20pm window she references. If your current medical staff cannot effectively administer meds to these "300 inmates" you obviously need more on duty. My meds were prescribed by a medical doctor specializing in his field, not by state bureaucracy. It is reasonable to expect a doctor's orders to be followed. Any deviation from said doctor's orders is inappropriate and poses a risk to my health. I have witnessed medical staff return with meds after doing their 'rounds' and this is what I was requesting. Telling me I have no grievance when there clearly is one simply compounds the issue at hand.

Signature Jared Spencer**DO NOT WRITE BELOW**Supervisor receiving grievance: Potratz 720 Date: 8-18-15Supervisor (DJA) Jail Administrator responding: Brueger Date: 8/21/15

Grievance Response: _____

I did speak with Nurse Terry. She stated that the meal trays were on the pod and in the process of being served when you were given your medication. State of Wisconsin says "With Food" means within 15 minutes. You are now under the care of Dr. Fatoki and our medical staff follows his orders.

Appeal Denied.Control Number: 4670408715 2015

Inmate Grievance Form

Type of grievance (circle one): Original Appeal

Name: Jared Spencer JID#: 283433 Date: 8/20/15 Housing B2

The circumstance or action believed to be unjust:

I was informed at approximately 6:10pm by CO Owens 754 that the nurse on duty was refusing to give me my meds because I did not consent to a blood sample. This Nurse is Nurse Dawn and we have had disagreements in the past. I feel as though Dawn harbors resentment for me which is interfering with her duty. I need my meds to function properly.

Signature Jared Spencer

DO NOT WRITE BELOW

Supervisor receiving grievance: Schwartz 723 Date: 8/21/15Supervisor/DJA/Jail Administrator responding: Schwartz 723 Date: 8/21/15

Grievance Response: THE NURSE DID NOT REFUSE YOUR MEDICATION. THE DOCTOR ~~BE~~ CANCELLED THE ORDER FOR YOUR PRESCRIPTION. THE NURSE CAN NOT ADMINISTER MEDICATION WITHOUT A CURRENT ORDER.

DCDF APPEALS FORMInmate Name: Jared SpencerJID# 283483Today's Date: 8/29/15Rule Violated: A011, A013, A015Date of Rule Violation: 8/29/15

Basis for Appeal (Explanation):

During my hearing I told CO Buckner that I take responsibility for my actions. However, I told him I believe the situation could have been avoided IF my meds had NOT been denied to me. I have mental health issues directly linked to behavior but I rarely cause problems when properly medicated. Because the doctor has seen fit to reinstate my meds without drawing the blood he "required", I believe I will not cause further issue. I also believe it is unjust to punish someone when there is strong evidence the actions were due in part to suspended treatment of their mental health problems.

Jared Spencer

Supervisor's Decision:

Control # 23006 082915 1155

After reviewing rule violation + inmates actions, as well as this appeal, it appears you know what you were doing. Violation upheld

Name/Date: Polsky 78 08-30-15

Deputy Jail Administrator's Decision:

Control # _____

Name/Date: _____

Jail Administrator's Decision:

Control # _____

Name/Date: _____

DCDF 111500

Inmate Grievance FormType of grievance (circle one): Original AppealName: Jaheel Spencer JID#: 283433 Date: 10/10/15 Housing A5

The circumstance or action believed to be unjust:

On 10/9/15, the second-shift nurse skipped A5 during her med-pass rounds. I did check with one of the second shift officers to confirm that the nurse did med pass in pod 'A' at approximately 6:30pm. In skipping A5, the nurse neglected my medical needs and shirked her responsibility to ensure I received my medications which have been prescribed by a medical doctor. This is purely a result of negligence and such practices should not be tolerated. The entire section was witness to this: Joel Brown, Anthony Miller, Zachary Kerr, and a Mr. Hills. Please inform me what will be done about this issue. Thank you.

Signature Jaheel Spencer**DO NOT WRITE BELOW**Supervisor receiving grievance: Potratz 720 Date: 10-11-15Supervisor/DJA/Jail Administrator responding: Potratz 780 Date: 10-12-15

Grievance Response: The nurse did not "skip" your section for med pass on the 9th. You did not receive your medication because the nurse was not able to locate the correct dosage for your pills. The correct pills were since ordered.

Control Number: 230061010151007

Inmate Grievance FormType of grievance (circle one): Original AppealName: Jared Spencer JID #: 283433 Date: 10/12/15 Housing A5

The circumstance or action believed to be unjust:

On the 29th of September, the doctor employed by DCD^F changed the dosage of lithium carbonate I am supposed to take. When the nurse brought my meds, I was told I would be taking 2 pills in the morning and 2 capsules at night (all lithium). I took the meds without much question because trained professionals were delivering the pills. A couple days later, one of the nurses brought 2 pills at night instead of the new capsules. It was odd but I figured she thought she had the right stuff cause all the meds I brought in were always pills or something like that. I continued taking the 2 pills in the morning, 2 capsules at night (they screwed this up a couple more times, one nurse bringing 3 pills, a dose I've never taken). On the morning of 10/12/15, nurse Jordan called me out for morning meds. She handed me one pill and I told her I was supposed to get 2 pills. She said I wasn't and showed me my chart where, lo and behold, I've been prescribed 450mg (2 pills) in the morning all along! I was shocked but I figured the problem would be resolved. On 10/12/15, Nurse Stephanie brought another double dose (2 pills). I told her this was wrong; I was only supposed to ~~take~~ 1 pill. She argued saying 2 pills equals 450mg. Continued on Statement Form Signature Jared Spencer

DO NOT WRITE BELOWSupervisor receiving grievance: Potratz 720 Date: 10-12-15Supervisor/DJA/Jail Administrator responding: Potratz 720 Date: 10-13-15Grievance Response: This issue was discussed with our medical staff. All packaging errors for your medication have been corrected and your blood levels were checked and came out good.

DATE: 10/12/15 PAGE NO. 2

STATEMENT OF:

Jared Spencer

I told nurse Stephanie I knew what I brought in and she eventually came back with a proper dose.

Since it occurred again I am filing a grievance. Lithium is lethal at a certain concentration. I have not had a blood test since they changed my dose. This facilities medical services are laughable. You claim to 'care' for every inmate housed here and yet your consistent negligence had the potential to be lethal. I honestly fear for my health and well being when I am being housed here.



Jared Spencer
(Signature of person giving voluntary statement)



Check if inmate refused voluntary statement

Incident Report # _____

DCDF103(6/08)

Inmate Grievance Form

Type of grievance (circle one): Original

AppealName: Jared Spencer JID #: 283433 Date: 10/13/15 Housing A5

The circumstance or action believed to be unjust:

This is still an issue. It is the facility's responsibility to get me my medication. You should have ordered more well before you ran out. There is no excuse for this irresponsibility. Mistakes like these put all the inmates at risk and proves to me you can't effectively care for the people in your custody. Medications are meant to be delivered as prescribed no if's, and's, or but's. They are not meant to be taken "on again off again" nor should doses ever be skipped. Furthermore, a patient should not be left in the dark as to what is going on with their health care. Again, please inform me of the actions you will be taking to resolve this obvious problem and risk to my health. Thank you.

Signature

Jared Spencer**DO NOT WRITE BELOW**Supervisor receiving grievance: Petratz TDDate: 10-14-15Supervisor/DIA/Jail Administrator responding: BruggenDate: 10/23/15

Grievance Response: _____

This issue have been discussed with the medical Department manager and the dosage confusion has been cleared up.
Your blood was tested to ensure your levels are correct.

Control Number: 253821013152241

Inmate Grievance FormType of grievance (circle one): Original AppealName: Jared Spencer JID#: 283433 Date: 10/15/15 Housing A

The circumstance or action believed to be unjust:

I went to court at 8:15 am this morning. I got back from court at 9:30 am this morning. I read a book then slept til my IEP meeting at 12:00 noon. I got back from that at approximately 12:30 pm and was served lunch. It is now 2:21 pm, too late for me to take ^{some of} my morning meds. It is the on duty nurse's responsibility to get me my meds. She should've noted my absence this morning and seen to me upon return. All of my medications need to be taken as prescribed. Some of my medications are anti-depressants. Your medical staff is yet again posing a risk to my health with their negligence.

Signature Jared Spencer**DO NOT WRITE BELOW**Supervisor receiving grievance: Schwartz 723 Date: 10/15/15Supervisor/DJA/Jail Administrator responding: 726 Hudd Date: 10/26/15

Grievance Response:

Grievance Unfounded

You did not notify the officers when you returned from court that you didn't receive your morning meds on that day. It is your responsibility to notify them. The officers would have called medical to deliver your meds. The Nursing Supervisor also told you this on 10/15

Control Number: 29541 101515

DCDF1104/2

White: Inmate File/Yellow: Inmate/Pink: Inmate keep at time of writing

1459

Inmate Grievance FormType of grievance (circle one): Original AppealName: Jared Spencer JID#: 23433 Date: 10/25/15 Housing A5

The circumstance or action believed to be unjust:

At 4:58pm, Nurse Sheila delivered meds. She delivered my meds before trays were delivered. As I have stated in the past, I can't take this medication on an empty stomach. I asked her to please come back after dinner. She refused. Trays arrived at 5:19 pm. please stop violating my doctors orders. Thank you

Signature Jared Spencer**DO NOT WRITE BELOW**Supervisor receiving grievance: Schwartz 723 Date: 10/25/15Supervisor/DJA/Jail Administrator responding: Schwartz 723 Date: 10/25/15

Grievance Response: THERE IS NOT AN ORDER FOR IT TO
BE GIVEN WITH MEALS FROM THE DATOR. IF YOU
ARE HAVING AN UPSET STOMACH FROM TAKING IT ON
AN EMPTY STOMACH, SEND THIS INFO TO MEDICAL
ON THE KIOSK SO IT IS DOCUMENTED. PLACE A
REQUEST TO TAKE IT WITH MILK.

Inmate Grievance Form

Type of grievance (circle one):

Original

Appeal

Name: Jared SpencerJID#: 283433Date: 12/26/15 Housing B3

The circumstance or action believed to be unjust:

This morning Nurse Stephanie came before trays were delivered. I told her about the Head Nurse's Orders to give my medication with milks. As I have explained numerous times taking my meds w/o food causes me to vomit. She told me I was refusing my meds. After trays were delivered I looked out the window and saw Nurse Stephanie still on the pod. I requested she give me my meds now that I had my milks. CO Hartkins informed me that she had already been to this section, she had no "evidence" of the Head Nurse's orders, and so "that time has passed". As I was eating Nurse Stephanie called another inmate from my section out to take his blood pressure. This is ridiculous. I am requesting a print out of the Head Nurse's orders to avoid further issues. I am also requesting Nurse Stephanie be reprimanded for her actions. Finally, I am requesting an apology from Nurse Stephanie because of her unprofessional attitude and actions. Thank you.

Signature

Jared Spencer**DO NOT WRITE BELOW**

Supervisor receiving grievance:

Jason P. Smith 718Date: 12-26-15

Supervisor/DJA/Jail Administrator responding:

Beck 722Date: 12-01-16

Grievance Response:

PER NURSE, YOU HAVE ORDER FOR MILK @ MEALS NOT MILK @ MEDS. YOU WERE OFFERED YOUR MEDS MANY TIMES, BUT YOU WOULDN'T TAKE W/O MILK WHICH EQUALS A REFUSAL.

Control Number: 207741226150813

DCDF1104/2

White: Inmate File/Yellow: Inmate/Pink: Inmate keep at time of writing

Inmate Grievance FormType of grievance (circle one): Original AppealName: Jared Spencer JID#: 283473 Date: 2/4/16 Housing B4

The circumstance or action believed to be unjust:

I have been denied my meds for at least
2 weeks now. I'm having problems give
CM back please.

Signature

Jared Spencee**DO NOT WRITE BELOW**Supervisor receiving grievance: Schwartz 723 Date: 2/5/16Supervisor/DJA/Jail Administrator responding: Schwartz 723 Date: 2/6/16Grievance Response: YOU ARE RECEIVING ALL MEDICATIONS
PRESCRIBED BY THE JAIL DOCTOR. NO GRIEVANCE!

Inmate Grievance Form

Type of grievance (circle one): Original

AppealName: Jared Spencer JID#: 283433 Date: 2/9/16 Housing B4

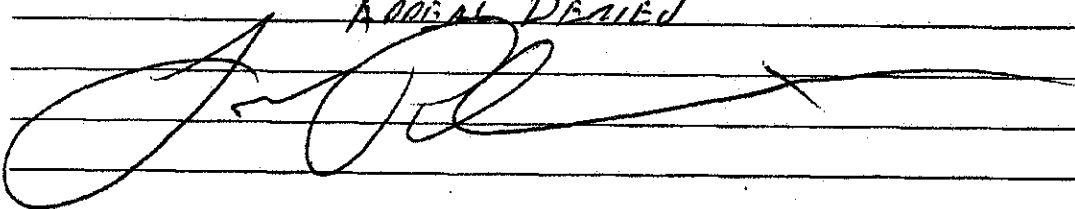
The circumstance or action believed to be unjust:

I'm talking about the psych meds that your addiction specialist / general practioner quack discontinued without any psychiatric training. Please give me the meds prescribed by my actual psychiatrist.
Thank you.

Signature

Jared Spencer**DO NOT WRITE BELOW**Supervisor receiving grievance: Petratz 700Date: 2-10-16Supervisor/DJA/Jail Administrator responding: Tom PulsinDate: 2/15/16

Grievance Response: YOU FAILED TO DO THE REQUIRED BLOOD TEST TO RECEIVE THE MEDICATION YOU REQUESTED. UNTIL YOU COMPLY WITH THE BLOOD TEST YOU WILL NOT RECEIVE THE MEDICATION
APPEAL DENIED



Inmate Grievance FormType of grievance (circle one): Original AppealName: Jared Spencer JID#: 283477 Date: 2/13/16 Housing B4

The circumstance or action believed to be unjust:

I would like to be placed back on the medications I was prescribed when I got here. The doctor here took me off of them a few weeks ago and I have been having bad thoughts and a harder time controlling my anger. Please help me.

Signature Jared Spencer**DO NOT WRITE BELOW**Supervisor receiving grievance: Schwartz 723 Date: 2/14/16Supervisor/DJA/Jail Administrator responding: Schwartz 723 Date: 2/14/16

Grievance Response: THIS IS NOT A GRIEVANCE ISSUE, SUBMIT
A REQUEST TO MEDICAL FOR THE DOCTOR TO REVIEW
YOU AND RECONSIDER MEDICATIONS.

Inmate Grievance Form

Type of grievance (circle one): Original Appeal

Name: Jared Spencer JID #: 283433 Date: 2/5/22/17 Housing BZ/1A

The circumstance or action believed to be unjust:

On Saturday, May 20th the second shift nurse, Shelly, refused to give me my Medications as prescribed. The nurse came around 8:30pm to do her first med pass, which is the second med pass of the day. I was called by CO Hill to the trap to take my meds. The nurse was occupied by another inmate so I said through the trap, "I take my meds on the third med pass. I'll see you later, thank you," and walked away expecting to receive my meds on the third med pass as prescribed. I waited until about 10:15pm then I pressed the intercom and told the CO in Master Control I had not yet received my Meds. She called the nurse and told me that the nurse said I refused my meds. I explained that I didn't refuse and asked to speak to both the nurse and a white shirt about the situation. Neither the nurse nor a white shirt came to speak with me and I did not receive my Medications as prescribed. Nurse "Shelly" violated my rights ~~and I am filing a complaint with the Department of Corrections.~~

Signature James Spence

DO NOT WRITE BELOW

Supervisor receiving grievance: Sgt J Polguy 132 Date: 05-22-17

Supervisor/DJA/Jail Administrator responding: BQ 134 Date: 5.23.17

Grievance Response: This situation was entered to the nursing staff

SUPERVISOR + JAIL ADMIN FOR REVIEW

Control Number: 32999052277433

DCDF1104/2

White: Inmate File/Yellow: Inmate/Pink: Inmate keep at time of writing

Inmate Grievance FormType of grievance (circle one): Original AppealName: Jared Spencer JID #: 283433 Date: 7/11/17 Housing B2

The circumstance or action believed to be unjust:

On July 11th at 7:20pm the section 2 trap opened. I went over and saw that Nurse Shelly was doing med pass. I asked if she would be returning with my medications as she has had issues giving me my medications as prescribed in the past. Nurse Shelly told me she would not return for my medication. I told her that it was only 7:20pm, over an hour earlier than the earliest I am supposed to receive my medication. She said she might not be able to make it back and so if I didn't take my medication ~~at~~ at that time she would mark it as a refusal. I told her I was not refusing my medication in any way but that I needed it as prescribed. Nurse Shelly slammed the trap as I was speaking to her. At about 9:00pm, Officer Harned opened the section door as he was finishing his pipe tour. I asked him if the nurse had come back for my medication yet. As I asked my question another inmate observed the nurse speaking with someone at the Officer's Station.

Signature Jared Spencer**DO NOT WRITE BELOW**Supervisor receiving grievance: Potratz 135 Date: 7-13-17Supervisor/DJA/Jail Administrator responding: Potratz 135 Date: 7-13-17

Grievance Response: You were offered your meds at approximately 7:20pm. This is an acceptable time as it's within a 1 hr time window before your meds were to be delivered.

Control Number: 17087072170915

DATE:

7/11/17

PAGE NO.

02

STATEMENT OF:

Jared Spencer

Officer Harned told me he wasn't sure if the Nurse had my Medication. The other inmate told me the nurse was at the Officer's station after Officer Harned closed the section door. I was unable to observe the nurse at the Officer's station, so at 9:25pm I pressed the intercom. Officer Harned answered and I asked him if the nurse had come back with my medication. He told me that the Nurse was not coming back with my medication so "do what you gotta do." I asked if the Nurse had come back for anyone else and he informed me she had come back for "a couple" of people. Nurse Shelly is the only nurse that has a problem giving me my medication. This is my second grievance about this problem with her. After the first grievance, Brittney the Social Worker told me that I'm prescribed Serenel at "bedtime" which is considered 8:30pm in this facility. I was fine with this time and was assured I wouldn't be made to take my meds earlier than that. Once again, Nurse Shelly has decided she can make her own rules and is going against every other person involved in healthcare at DCDF. Mental and Physical health are no different in that medications must be taken as prescribed, otherwise there can be consequences. I am convinced that Nurse Shelly has a bias against me or my mental health problems. She refuses me my medication and refuses to treat me like she does the other patients that take bed time medications. This issue must be resolved immediately because failure to take my Court Ordered medications can ~~cause~~ cause severe problems with my health. Thank you.

(Signature of person giving voluntary statement)



Check if inmate refused voluntary statement

Incident Report #

DCDF103(6/08)

Inmate Grievance Form

Type of grievance (circle one): Original

Appeal

 Name: Jared Spencer JID #: 283433 Date: 7/14/17 Housing B2

The circumstance or action believed to be unjust:

My medication is to be ~~delivered~~ delivered at the same time she delivered the medication for those she came back for at approximately 9:00pm. This third Med pass is when I am supposed to be given, not at 8:30pm. I was told by Britney that 8:30pm would be the EARLIEST I would receive my medication, so if a 1 hour window ever exists, it is 1 hour around 9:30pm. All of this is properly documented in my medical charts, as it is for the other inmates Nurse Shelly came back for. She obviously has something against me that no other nurse does, thus she is not qualified to give me any sort of medical care. Please resolve this problem immediately. Note that failing to give me my medication as prescribed is a violation of a court order signed by Judge Sciascia OF Dodge County Circuit Court, Branch 3.

Signature

Jared Spencer

DO NOT WRITE BELOW

 Supervisor receiving grievance: Sgt. SUGAR 137

 Date: 7/15/2017

 Supervisor/DJA/Jail Administrator responding: Hundt 105

 Date: 7/19/17

 Grievance Response: Appeal Denied

This was discussed with medical. You are to get your evening meds at the normal time everyone else does. Some of the nurses are giving them to you later on their own and will be told to stop doing that. The court order you are talking about does not state what time you should get your meds.

 Control Number: 50084071417245

F: 608-255-3771
cgiesen@giesenlaw.com

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On 7/15/2016 9:17 AM, Peggy LeRoy Andrew wrote:

Hi Charley.

So in anticipation of Jared being moved back to Dodge I have some concerns. Jared is telling me that he is pretty certain that his meds will not be administered at the dosages he is on now. One in particular is an antipsychotic medication called Seroquel. He doubts that it is something Dodge will be willing to administer at all. So.... the way Dodge got away with not giving him his meds before is that they said that Jared was under their doctors care so whatever that doctor decided was ok.... I find this TOTAL crap!!! Jared would file a grievance regarding his meds and Dodge would ignore it because their doctor said Jared was not prescribed that medicine or that dosage! I am wondering if there can be something done to prevent this scenario before it gets to be a nightmare again? Can we insure he stays on what he is on now and the dosages? It makes NO sense to send him back there if he is just going to become psychotic and paranoid again. I know I am angry and frustrated with the staff there and he isn't even back there yet!! I guess this can be called...

....my Friday Fits!
Thanks!!
Peg

--

"Change the world, make a difference in the life of a child."

cyffan@gmail.com <cyffan@gmail.com>
To: Coleruby@martinezandruby.com

Sun, Mar 18, 2018 at 4:59 PM

----Forwarded using **Multi-Forward Chrome Extension**----

From: Peggy LeRoy Andrew
Date: Mon Apr 18 2016 10:42:16 GMT+1000 (AEST)
Subject: RE: Jared Spencer
To: "Charles W. Giesen"

Charlie,

Jared has been told by Mendota staff anything he's talks about will be shared with the State. They stopped asking him questions about the case as soon as he told them he wanted to talk to his lawyer. Jared just really needs to see you. Just sounds like he was sent there to be pumped for information.

:(

On Apr 15, 2016 12:55 PM, "Charles W. Giesen" <cgiesen@giesenlaw.com> wrote:

Hi Peggy--At the scheduling conference, there was not much done, since Jared has only recently gotten to Mendota and just started his treatment. The judge set another status conference for June 13th in the hopes that we'll have a medical update from Medota by then.

Unlike the Dodge Co jail where I could visit Jared at any time, it is a rather cumbersome process at Mendota, requiring scheduling in advance with a social worker. Donna has a call in to set that up, so will hopefully be done next week.

Since he is in Mendota for treatment, the physician-patient privilege should apply to his communications with medical staff.

Charles W. Giesen
Giesen Law Offices, S.C.

--

"Change the world, make a difference in the life of a child."

cyffan@gmail.com <cyffan@gmail.com>
To: Coleruby@martinezandruby.com

Sun, Mar 18, 2018 at 4:59 PM

---Forwarded using **Multi-Forward Chrome Extension**---

From: Peggy LeRoy Andrew
Date: Thu Apr 07 2016 02:28:29 GMT+1000 (AEST)
Subject: Jared Spencer
To: "Charles W. Giesen" , Donna Higgins

Hi... OK now that Jared has been moved... now what. If he is there after a year what happens then?? I cannot find any information on what is protocol then.

There is a social worker calling me this afternoon from Mendota to talk to me. He is calling at 3:45. I am assuming I should talk to him?

Thanks
Peg

--

"Change the world, make a difference in the life of a child."

cyffan@gmail.com <cyffan@gmail.com>
To: Coleruby@martinezandruby.com

Sun, Mar 18, 2018 at 4:59 PM

---Forwarded using **Multi-Forward Chrome Extension**---

From: Peggy LeRoy Andrew
Date: Wed Mar 30 2016 01:25:16 GMT+1100 (AEDT)
Subject: Jared Spencer
To: "Charles W. Giesen"

Copy of email I sent on 3/14 to you:

Hi Charley

I called the Dodge County Sheriff Department 3/11/16 late afternoon. Initially he was sort of grumpy and defensive however when he realized I wasnt calling to give him a hard time he chilled out. His only answer was a lack of beds. He then transferred me to someone else that they may have additional information. Again just a lack of beds available. I also spoke to one of the nursing staff, Dawn. I spoke with her about helping Jared get back on his meds. From what I understand from Jared Dawn was successful and he will be getting a blood draw on Tuesday (3/15). So... I got no answer on moving Jared however I think I was successful on the meds issue.

Thanks so much!!
Peg

Copy of email I sent on 3/18 to you:

Hi Charly,

So I spoke to Jared yesterday. The nursing staff never took his blood draw on 3/15/16 like they said they were going to.. GRR GROWL GROUCH! :(So he is still no closer to getting back on his meds. I am not sure what to do now. I am hoping that they didnt do the blood draw because there is reason to believe he will be moved very soon and thought it best to wait until he is at Mendota. Although that is totally an assumption on my part. Please advise if you think I should call the medical unit again. Have you heard anything back from DA Klomberg?

Thanks!
Peg

Current additional information:

I was told on 3/27 by Jared that he has now lost more of his visits. I am not sure for how long. He is not being allowed to use his commissary. Still no blood draw... he is also now off his Fluoxetine(Prozac) which is an anti-depressant. They ran out of pills and tried to give him capsules. He will not take them because he does not know what is in them and he thinks they're trying to poison him. His lack of medication is causing him to become delusional and soon suicidal!!!! Really need to get him out of there to Mendota. They are torturing a mentally disabled CHILD! Who happens to be MY child!!!! My ONLY child!! :)

I wrote this in haste so I hope it makes sense. Feel free to call me if you need 608-266-3501. I am at work and sending this from my personal email so....

Thanks in advance for whatever you can do to help Jared...

Peg

—

"Change the world, make a difference in the life of a child."

cyffan@gmail.com <cyffan@gmail.com>

To: Coleruby@martinezandruby.com

Sun, Mar 18, 2018 at 4:59 PM

----Forwarded using **Multi-Forward Chrome Extension**----

From: Peggy LeRoy Andrew

Date: Fri May 27 2016 03:15:18 GMT+1000 (AEST)

Subject: Re: Jared Spencer

To: Charles Giesen

Hi!

I was able to read it just fine. I edited and mailed the letter today.

Thanks!

Peg

On Wed, May 25, 2016 at 5:05 PM, Charles Giesen <cgiesen@giesenlaw.com> wrote:

Peggy:

Attached are Charley's changes. If you can't read them let me know.

Donna

Charles W. Giesen
Giesen Law Offices, S.C.
P.O. Box 909
Madison, WI 53701-0909
(608) 255-8200
(608) 255-3771 (fax)

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On 5/5/2016 4:51 PM, Peggy LeRoy Andrew wrote:

Edited letter... made a few minor changes....

■■■■■

"Change the world, make a difference in the life of a child."

--

"Change the world, make a difference in the life of a child."

cyffan@gmail.com <cyffan@gmail.com>

Sun, Mar 18, 2018 at 4:59 PM

To: Coleruby@martinezandruby.com

----Forwarded using **Multi-Forward Chrome Extension**----

From: Peggy LeRoy Andrew

Date: Sat Mar 19 2016 01:44:50 GMT+1100 (AEDT)

Subject: Jared Spencer

To: "Charles W. Giesen" , Donna Higgins

Hi Charly,

So I spoke to Jared yesterday. The nursing staff never took his blood draw on 3/15/16 like they said they were going to.. GRR GROWL GROUCH! :(So he is still no closer to getting back on his meds. I am not sure what to do now. I am hoping that they didnt do the blood draw because there is reason to believe he will be moved very soon and thought it best to wait until he is at Mendota. Although that is totally an assumption on my part. Please advise if you think I should call the medical unit again. Have you heard anything back from DA Klomberg?

Thanks!

Peg

--

"Change the world, make a difference in the life of a child."

cyffan@gmail.com <cyffan@gmail.com>

Sun, Mar 18, 2018 at 4:59 PM

To: Coleruby@martinezandruby.com

----Forwarded using **Multi-Forward Chrome Extension**----

From: "Charles W. Giesen"

Date: Tue Mar 15 2016 09:41:35 GMT+1100 (AEDT)

Subject: RE: Jared Spencer

To: Peggy LeRoy Andrew

Your persistence and effective advocacy worked--that's a glimmer of good new. I haven't heard back from the DA yet. Charles W. Giesen Giesen Law Offices, S.C. P.O. Box 909 Madison, WI 53701-0909 (608) 255-8200 (608) 255-3771 (fax) cgiesen@giesenlaw.com The information transmitted above is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged materials. Any review, retransmission, dissemination or other use of or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact Giesen Law Offices, S.C. at (608) 255-8200 or by e-mail and delete the material from any computer or server. _____ From: Peggy LeRoy Andrew [cyffan@gmail.com] Sent: Monday, March 14, 2016 12:34 PM To: Charles W. Giesen Subject: Re: Jared Spencer Hi Charley I called the Dodge County Sheriff Department 3/11/16 late afternoon. Initially he was sort of grumpy and defensive however when he realized I wasnt calling to give him a hard time he chilled out. His only answer was a lack of beds. He then transferred me to someone else that they may have additional information. Again just a lack of beds available. I also spoke to one of the nursing staff, Dawn. I spoke with her about helping Jared get back on his meds. From what I understand from Jared Dawn was successful and he will be getting a blood draw on Tuesday (3/15). So... I got no answer on moving Jared however I think I was successful on the meds issue. Thanks so much!! Peg On Fri, Mar 11, 2016 at 3:34 PM, Charles Giesen > wrote: Dear Peg: Thanks for the update. You may want to call the Dodge County Sheriff to get an update on his status. I am writing to the DA. Charley Charles W. Giesen Giesen Law Offices, S.C. P.O. Box 909 Madison, WI 53701-0909 (608) 255-8200 (608) 255-3771 (fax) The information transmitted above is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact Giesen Law Offices, S.C. at 608-255-8200 or by e-mail and delete the material from any computer or server. Thank you. On 3/9/2016 8:43 AM, Peggy LeRoy Andrew wrote: Hi Charlie, Just a quick update. Jared is still at Dodge County Detention Center. I am

not sure where he is on the waiting list at Mendota. He seems to be doing OK. However he is getting in enough trouble that he has lost his visits until at least 3/20. He is still off his meds. Although John told me that Jared did tell the staff at Dodge he is willing to submit to the blood draw. I believe Jared asked several weeks ago. As far as I know the blood draw has not been done, so he is still off the meds because of it. Jared has resigned himself to being at Dodge for a number of months. He does NOT want to end up in Winnebago. Thanks!!! Peg -- "Change the world, make a difference in the life of a child." -- "Change the world, make a difference in the life of a child."

cyffan@gmail.com <cyffan@gmail.com>

Sun, Mar 18, 2018 at 5:00 PM

To: Coleruby@martinezandruby.com

---Forwarded using **Multi-Forward Chrome Extension**---

From: Peggy LeRoy Andrew

Date: Fri Feb 12 2016 04:06:40 GMT+1100 (AEDT)

Subject: Re: Jared Spencer

To: "Charles W. Giesen"

Cc: "Donna J. Higgins"

There is a wait list at Mendota. Jared is the 38th person on it. It translates to about 60 days. I am hearing that there is a influx of inmates coming from Milwaukee. Any of them that are violent or have a history of fighting while incarcerated are being bumped up higher on the list.

On Thu, Feb 11, 2016 at 10:57 AM, Charles W. Giesen <cgiesen@giesenlaw.com> wrote:

What does 38th mean? How long a wait does that translate into?

Charles W. Giesen
Giesen Law Offices, S.C.
P.O. Box 909
Madison, WI 53701-0909
(608) 255-8200
(608) 255-3771 (fax)
cgiesen@giesenlaw.com

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From: Peggy LeRoy Andrew [cyffan@gmail.com]

Sent: Thursday, February 11, 2016 9:12 AM

To: Charles W. Giesen; John Spencer

Subject: Jared Spencer

Hi Charlie

Ty for the report. Rather eye opening. :(According to our information Jared is 38th on the waiting list at Mendota. I am concerned if I raise a fuss at Dodge County they will move him to a different facility. I am willing to write the judge I just want to clear this concern with you first. I feel paralyzed by indecision when it comes to anything I do in regards to Jared's case.... Please advise....

Thanks

Peg

--

"Change the world, make a difference in the life of a child."

--

"Change the world, make a difference in the life of a child."

cyffan@gmail.com <cyffan@gmail.com>
To: Coleruby@martinezandruby.com

Sun, Mar 18, 2018 at 5:00 PM

-----Forwarded using **Multi-Forward Chrome Extension**-----

From: Peggy LeRoy Andrew
Date: Sat Mar 12 2016 09:06:28 GMT+1100 (AEDT)
Subject: Fwd: Jared Spencer
To: John Spencer

----- Forwarded message -----

From: **Charles Giesen** <cgiesen@giesenlaw.com>
Date: Fri, Mar 11, 2016 at 3:33 PM
Subject: Jared Spencer
To: Kurt Klomberg <klomberg.kurt@da.wi.gov>

Dear Kurt:

Jared Spencer is still at the Dodge County Jail. At this rate, he won't even be treated within the statutory time limits. Do you have any information on when he will be transferred so he can begin treatment? FYI - he is not receiving his medications while at Dodge. They wanted to do a blood draw and he is willing to provide that. Please let me know.

Charley

--

Charles W. Giesen
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(608) 255-3771 (fax)

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--

"Change the world, make a difference in the life of a child."

cyffan@gmail.com <cyffan@gmail.com>
To: Coleruby@martinezandruby.com

Sun, Mar 18, 2018 at 5:00 PM

-----Forwarded using **Multi-Forward Chrome Extension**-----

From: Peggy LeRoy Andrew
Date: Thu Jan 28 2016 01:48:51 GMT+1100 (AEDT)
Subject: Jared Spencer
To: "Charles W. Giesen"

Hi Charlie,

John is wondering if you would please give him a call. 608-513-7100

TY
Peg

--

"Change the world, make a difference in the life of a child."

cyffan@gmail.com <cyffan@gmail.com>
To: Coleruby@martinezandruby.com

Sun, Mar 18, 2018 at 5:00 PM

---Forwarded using **Multi-Forward Chrome Extension**---

From: Peggy LeRoy Andrew
Date: Sat Jan 23 2016 05:21:24 GMT+1100 (AEDT)
Subject: Jared Spencer
To: "Charles W. Giesen" , John Spencer

OK... John spoke to Jared on 1/20. The staff at Dodge is once again NOT giving Jared his meds or giving it to him without food or at the wrong time. He of course got himself into segregation again AND they have taken ALL his visits away until February 1st. Which means he will not have a visit until 2/4. John and I agree that Dodge knows he is getting out of their grips so they are trying to drive him to kill himself. They are doing a very good job at trying to get him suicidal... can we file any type of emergency hearing and get him out now??? Torturing him is just NOT acceptable.....He has an appointment here in Madison on 1/25. If they manage to get him psychotic enough by then he may give them an excuse to shoot him... I am worried about this appointment!!!!

Please advise Charlie!!

:(
Thanks
Peg

--

"Change the world, make a difference in the life of a child."

cyffan@gmail.com <cyffan@gmail.com>
To: Coleruby@martinezandruby.com

Sun, Mar 18, 2018 at 5:00 PM

---Forwarded using **Multi-Forward Chrome Extension**---

From: Peggy LeRoy Andrew
Date: Sat Jan 09 2016 09:48:43 GMT+1100 (AEDT)
Subject: Re: Jared Spencer
To: Charles Giesen
Cc: John Spencer

Thank you so very much Charley. Some good news for the weekend.

Peg

On Fri, Jan 8, 2016 at 4:37 PM, Charles Giesen <cgiesen@giesenlaw.com> wrote:

Dear John and Peggy:

As you know, we received the State's expert report regarding Jared's competency and have no objections to the findings. Accordingly, we requested that the competency hearing be moved up in order to get him out of Dodge County and to get the mental health care he needs. The new court date is February 2, 2016 at 3:30 p.m.

Let me know if you have any questions.

Charley

--

Charles W. Giesen
Giesen Law Offices, S.C.
P.O. Box 909
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(608) 255-8200
(608) 255-3771 (fax)

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MEDICATION ADMINISTRATION RECORD



DIAMOND PHARMACY SERVICES
1.800.882.6337 FAX: 724.349.4209

EFFECTIVE DATES		MEDICATIONS		HOUR																															
DATE	TIME	DATE	TIME	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
07/28/16	FLUoxetine 20mg Capsule Brand: PROZAC ADEYEMI OLUDARE FATOKI, MD	3-AM	W																																
10/26/16	TAKE (THREE) CAPSULE(S) ORALLY ONCE DAILY 71512878																																		
07/28/16	Levothyroxine 50mcg Tab Brand: LEVOTHROID ADEYEMI OLUDARE FATOKI, MD	AM	W																																
10/26/16	TAKE ONE TABLET(S) ORALLY ONCE DAILY 71512816																																		
07/28/16	Lithium Carb 300mg Caps Brand: ESALITH ADEYEMI OLUDARE FATOKI, MD	1 AM	W																																
10/26/16	TAKE (ONE) CAPSULE(S) ORALLY IN THE MORNING 71512871																																		
07/28/16	Lithium Carb 300mg Caps Brand: ESALITH ADEYEMI OLUDARE FATOKI, MD	2 PM	W																																
10/26/16	TAKE (TWO) CAPSULE(S) ORALLY IN THE EVENING 71512888																																		
07/28/16	Quetiapine 200mg Tablet Brand: SEROQUEL SUNNY YOUNG KIM, MD	PM	W																																
10/26/16	TAKE ONE TABLET(S) ORALLY AT BEDTIME NF 10-27-16 71528408																																		
07/28/16	Hydrocortisone Cream Apply TD to affected areas as needed 71512878																																		
10/26/16	TAKE ONE TABLET(S) ORALLY AT BEDTIME NF 10-27-16 71528408																																		

PATIENT NAME AND NUMBER: SPENCER, JARED 283433

DATE OF BIRTH OR SOC. SEC. NO.:

ALLERGIES: NO KNOWN DRUG ALLERGY, NICKEL

FACILITY: DODGE COUNTY DETENTION FAC

CHARTING FOR: 09/01/2016 THROUGH: 09/30/2016

DIAGNOSIS: N/A